

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JEFFREY M. JASKOL AND STACEY J.
JASKOL, Individually and On Behalf Of All
Others Similarly Situated,

Plaintiffs,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, THOMAS
D. DAVIS, BRUCE C. HAYDEN, and GRANT
THORNTON LLP,

Defendants.

Case No. 1:05-cv-268 (SLR)

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
DEFENDANT TO ANSWER OR
OTHERWISE RESPOND**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties and/or their counsel for the respective parties, as follows:

1. Mayer, Brown, Rowe & Maw LLP is authorized to accept on behalf of defendant Grant Thornton LLP (“Grant Thornton”), and does hereby accept, service of the summons and complaint in this action without prejudice and without waiver of Grant Thornton’s defenses except as to sufficiency of service of process;

2. The time for Grant Thornton to move, answer or otherwise respond to the complaint in this action is hereby extended to and including forty-five (45) days after the later of: (a) the Court’s selection of a lead plaintiff pursuant to §21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. §78a, *et seq.*, as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), or (b) the date on which an amended complaint, if any, is served upon counsel for Grant Thornton or, if the lead plaintiff does not file an amended complaint, forty-five

(45) days after the lead plaintiff notifies Grant Thornton that it does not intend to file an amended complaint.

Dated: May 25, 2005

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

By: /s/ Ralph Sianni
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--and--

**MILBERG WEISS BERSHAD
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Plaintiffs' Counsel

SO ORDERED.

Dated: _____, 2005

Dated: May 25, 2005

**SMITH, KATZENSTEIN,
FURLOW LLP**

By: /s/ Laurence V. Cronin
Laurence V. Cronin (#2385)
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MAYER, BROWN, ROWE & MAW

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*Counsel for Defendant
Grant Thornton LLP*

United States District Judge